

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

OLE POLLINITZ, #160 003 *

Petitioner, *

v. * 2:06-CV-922-MEF
(WO)

GWENDOLYN MOSLEY, WARDEN, *et al.*, *

Respondents. *

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner Ole Pollinitz (“Pollinitz”) filed this 28 U.S.C. § 2254 petition for habeas corpus relief on October 12, 2006, seeking to challenge his convictions in the Circuit Court for Jefferson County, Alabama, for drug offenses. He is currently serving a 30-year term of imprisonment pursuant to the convictions imposed on February 11, 2004..

DISCUSSION

This court, “in the exercise of its discretion and in furtherance of justice,” may transfer Petitioner’s application for writ of habeas corpus to “the district court for the district within which the State court was held which convicted” Petitioner. 28 U.S.C. § 2241(d). Pollinitz challenges convictions entered against him by the Circuit Court for Jefferson County, Alabama. Jefferson County is located within the jurisdiction of the United States District Court for the Northern District of Alabama. In light of the foregoing, the court concludes that the transfer of this case to such other court for hearing and determination is

appropriate.¹

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be transferred to the United States District Court for the Northern District of Alabama pursuant to the provisions of 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before **October 25, 2006**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), adopting as binding precedent all of the

¹A decision on Petitioner's application for *in forma pauperis* status is reserved for ruling by the United States District Court for the Northern District of Alabama.

decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, this 13th day of October 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE